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**BY ECF**

The Honorable Lorna G. Schofield  
United States District Court for the Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: Dr. Carmody v. NYU, et al., 21-CV-8186 (LGS-VF)

Dear Judge Schofield:

We represent the Defendants in this case. Pursuant to Your Honor's Individual Rules and Procedures for Civil Cases and the Electronic Case Filing Rules and Instructions for the Southern District of New York, Section 6, Defendants respectfully request leave to file Exhibits B and C (the text messages) to their Opposition to Plaintiff's Motion to Re-Open Discovery (the "Opposition") under seal.

The Opposition attaches text messages produced by Defendants and designated "Confidential" under the Stipulated Confidentiality Agreement and Protective Order (Docket No. 32). These text messages, which were produced by the Defendants as part of discovery in this case and are not submitted in connection with a dispositive motion or pleading, are "non-judicial documents" that "play no role in the performance of Article III functions" and, as such, should remain under seal. *E.g., Uni-Systems v. U.S. Tennis Ass'n*, 2020 U.S. Dist. LEXIS 251138, at \*27 (E.D.N.Y. 2020) (citations omitted); *see generally S.E.C. v. TheStreet.Com*, 273 F.3d 222, 230 (2d Cir. 2001) (noting that when discovery documents were submitted to the court pursuant to a confidentiality agreement, it is "presumptively unfair for courts to modify protective orders which assure confidentiality and upon which the parties have reasonably relied.")

Attached hereto is an appendix identifying all Parties and Attorneys of Record who should have access to the sealed documents. We thank Your Honor for your attention to this matter.

Respectfully submitted,

CERASIA LAW LLC



Edward Cerasia II

cc: All Counsel of Record (By ECF)

**APPENDIX**

**Parties:**

1. Kristin A. Carmody, M.D., M.H.P.E.
2. New York University
3. NYU Grossman School of Medicine
4. NYU Langone Hospitals
5. Robert I. Grossman, M.D.
6. Fritz Francois, M.D.
7. Steven B. Abramson, M.D.
8. Andrew W. Brotman, M.D.
9. Robert J. Femia, M.D.

**Attorneys:**

1. Damian R. Cavaleri – Hoguet Newman Regal & Kenney, LLP
2. Wendy Tsang – Hoguet Newman Regal & Kenney, LLP
3. Edward Cerasia II – Cerasia Law LLC
4. Alison L. Tomasco – Cerasia Law LLC